Notices of Exempt Rulemaking

NOTICES OF EXEMPT RULEMAKING

The Administrative Procedure Act requires the *Register* publication of the rules adopted by the state's agencies under an exemption from all or part of the Administrative Procedure Act. Some of these rules are exempted by A.R.S. §§ 41-1005 or 41-1057; other rules are exempted by other statutes; rules of the Corporation Commission are exempt from Attorney General review pursuant to a court decision as determined by the Corporation Commission.

NOTICE OF EXEMPT RULEMAKING

TITLE 2. ADMINISTRATION

CHAPTER 3. ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS

[R13-36]

PREAMBLE

1. Article, Part, or Section Affected (as applicable) Rulemaking Action

Article 4 Amend R2-3-401 Amend

2. Citations to the agency's statutory rulemaking authority to include the authorizing statute (general) and the implementing statute (specific), and the statute or session law authorizing the exemption:

Authorizing statute: A.R.S. § 41-151.05(A)(7)(d) Implementing statute: A.R.S. §§ 34-501 and 34-502

Statute or session law authorizing the exemption: A.R.S. § 41-121.02(E)

3. The effective date of the rule and the agency's reason it selected the effective date:

March 21, 2013 (date filed with the Office of the Secretary of State).

4. A list of all notices published in the *Register* as specified in R1-1-409(A) that pertain to the record of the exempt rulemaking:

Notice of Rulemaking Docket Opening: 18 A.A.R. 1868, August 3, 2012 Notice of Proposed Rulemaking: 18 A.A.R. 1816, August 3, 2012

Notice of Supplemental Proposed Rulemaking: 19 A.A.R. 44, January 11, 2013

5. The agency's contact person who can answer questions about the rulemaking:

Name: Janet Fisher, Director

Address: Law and Research Library

Arizona State Library, Archives and Public Records

1700 W. Washington St., Suite 300

Phoenix, AZ 85007-2812

www.azlibrary.gov

Telephone: (602) 926-3873

Fax: (602) 256-7984

E-mail: jfisher@azlibrary.gov

Web site:

6. An agency's justification and reason why a rule should be made, amended, repealed, or renumbered to include an explanation about the rulemaking:

LAPR is exempt from the rulemaking process under A.R.S. § 41-121.02(E). Although exempt from requirements of the Arizona Administrative Procedures Act, LAPR published notices of proposed and supplemental proposed rulemakings in the *Arizona Administrative Register* to seek input from stakeholders and the public. For the purposes of this rule, stakeholders included governing bodies operating a public library, librarians, and library staff throughout the state.

The proposed and supplemental proposed rulemaking amend the requirements to protect the public from harmful materials on public access computers in the state's libraries under Laws 2012, Ch. 166 (HB 2712) that became effective August 2, 2012. The rule improves the interface between libraries and patrons to ensure that the policy is practiced and effective.

Arizona Administrative Register / Secretary of State

Notices of Exempt Rulemaking

7. A reference to any study relevant to the rule that the agency reviewed and either relied on or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rulemaking is necessary to promote a statewide interest if the rulemaking will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact, if applicable:

This rulemaking will have minimal economic impact because libraries already have oversight to filter harmful materials on public access computers (previously under A.R.S. § 34-502(B)(1)).

10. A description of any changes between the proposed rulemaking, including any supplemental proposed rulemaking, and the final rulemaking package (if applicable):

Stakeholders were encouraged to provide feedback in the original proposed rulemaking package published in the *Administrative Register*. LAPR received stakeholder input via meetings and other verbal correspondence. Based on this input, LAPR re-evaluated and modified the verbiage of proposed rules in a supplemental rulemaking to mirror the requirements in the law.

11. An agency's summary of the public or stakeholder comments made about the rulemaking and the agency response to the comments, if applicable:

Comment received from stakeholder: R2-3-401(B)(2) technical correction should be made to Arizona Revised Statute reference from A.R.S. section 35 to section 34.

Analysis/Recommendation: LAPR has made the correction. The new language is: A.R.S. § 34-502(D).

Comment received from stakeholder: Change the title of the rule.

As proposed: "Restricting Public Computer Access to Visual Depictions..."

Change to: "Restricting Public Computer Access from Visual Depictions..."

Analysis/Recommendation: In reviewing the rule, the rule is restricting access of a person using the computer to seek images. "From," although correct in some cases, can be construed to mean the images are not being sought, but are being sent to the public computer.

- 12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules. When applicable, matters shall include, but not be limited to:
 - a. Whether the rule requires a permit, whether a general permit is used and if not, the reasons why a general permit is not used:

Not applicable

b. Whether a federal law is applicable to the subject of the rule, whether the rule is more stringent than the federal law and if so, citation to the statutory authority to exceed the requirements of federal law:

Not applicable

c. Whether a person submitted an analysis to the agency that compares the rule's impact of the competitiveness of business in this state to the impact on business in other states:

Not applicable

13. A list of any incorporated by reference material and its location in the rule:

None

14. Whether the rule was previously made, amended, repealed or renumbered as an emergency rule. If so, the agency shall state where the text changed between the emergency and the exempt rulemaking packages:

Not applicable

15. The full text of the rules follows:

Notices of Exempt Rulemaking

TITLE 2. ADMINISTRATION

CHAPTER 3. ARIZONA STATE LIBRARY, ARCHIVES AND PUBLIC RECORDS

ARTICLE 4. PROTECTING MINORS RESTRICTING PUBLIC COMPUTER ACCESS TO VISUAL DEPICTIONS THAT ARE FROM HARMFUL MATERIALS ON THE INTERNET TO MINORS, OBSCENE OR PORNOGRAPHIC

Section

R2-3-401. Requirements

ARTICLE 4. PROTECTING MINORS RESTRICTING PUBLIC COMPUTER ACCESS TO VISUAL DEPICTIONS THAT ARE FROM HARMFUL MATERIALS ON THE INTERNET TO MINORS, OBSCENE OR PORNOGRAPHIC

R2-3-401. Requirements

- A. Each library A governing body that operates a public library shall have develop, review and provide a local library board approved, written policy that governs with input from the local library board, or its equivalent, for the use of its computing resources public access computers for each library in its jurisdiction under A.R.S. § 34-502(E). and that specifies whether public access computers have been equipped with software that blocks access to materials harmful to minors. The policy shall:
 - 1. Provide for blocking access on public access computers to such materials as referenced under A.R.S. § 34-502(B)(1) and (2) and as defined under A.R.S. § 34-501,
 - 2. Provide procedures for library patrons of legal age to disable or request the disabling of technology protection under A.R.S. § 34-502(C) for research or other lawful purposes,
 - 3. <u>List citations to A.R.S. §§ 34-501 and 34-502, and</u>
 - 4. Acknowledge the awareness of, and concern for, a safe educational Internet experience for children despite the unregulated nature of the Internet.
- **B.** Each library must shall:
 - 1. Comply with its governing body policy.
 - Post the policy in a conspicuous location as provided in A.R.S. § 34-502(D), and include an outline of the library's complaint process,
 - 3. Establish guidelines and procedures to restrict users from gaining computer access to such materials as referenced under A.R.S. § 34-502(B)(1) and (2) and as defined under A.R.S. § 34-501, and
 - 4. purchase Internet service from a company that blocks access to such materials, install Deploy a technology protection measure software to block access to such materials as referenced, under A.R.S. § 34-502(B)(1) and (2) and as defined under A.R.S. § 34-501, by either centralized filtering or individual filters on public access computers or by use of a similar technology solution, establish policies and procedures to restrict minors from gaining computer access to such materials, or use a combination of these techniques.
- **B.** Libraries shall include in the policy a list of relevant A.R.S. citations pertaining to this law and shall acknowledge the library's awareness of, and concern for, a safe educational Internet experience for children despite the unregulated nature of the Internet.
- C. Libraries shall provide the Arizona State Library, Archives and Public Records a copy of this policy within 30 days of its approval or approval of any change to the policy.

Notices of Exempt Rulemaking

NOTICE OF EXEMPT RULEMAKING

TITLE 9. HEALTH SERVICES

CHAPTER 25. DEPARTMENT OF HEALTH SERVICES EMERGENCY MEDICAL SERVICES

Editor's Note: The following table is being reprinted with corrections. The Register editor inadvertently omitted some symbols in the table when it was initially printed in the February 22, 2013, Register. To review the full Notice of Exempt Rulemaking, refer to the February 22, 2013, issue of the Administrative Register (file number R13-19).

Table 5.1. Arizona Scope of Practice Skills

KEY:

 $\overline{\checkmark}$ = Arizona Scope of Practice skill

STR = Specialty Training Requirement: Skill requires specific specialty training with medical director authorization and involvement

* = Already intubated

way/Ventilation/Oxygenation	<u>EMT</u>	<u>AEMT</u>	EMT-I(99)	<u>Paramedi</u>
Airway- esophageal	<u>STR</u>	✓	✓	✓
Airway- supraglottic	STR	✓	STR	✓
Airway- nasal	<u> </u>	✓	✓	✓
Airway- oral	✓	<u> </u>	✓	✓
Bag-valve-mask (BVM)	<u> </u>	✓	✓	✓
BiPAP/CPAP				✓
Chest decompression- needle			✓	✓
Chest tube placement- assist only				STR
Chest tube monitoring and management				STR
Cricoid pressure (Sellick's maneuver)	✓	✓	<u>√</u>	✓
Cricothyrotomy- needle			STR	✓
Cricothyrotomy- percutaneous			STR	✓
Cricothyrotomy- surgical			<u>STR</u>	STR
Demand valve- manually triggered ventilation	<u> </u>	✓	✓	✓
End tidal CO2 monitoring/capnography			✓	✓
Gastric decompression- NG tube			✓	✓
Gastric decompression- OG tube			✓	✓
Head-tilt chin lift	<u> </u>	<u> </u>	✓	✓
Intubation- nasotracheal			STR	✓
Intubation- orotracheal	STR	STR	✓	✓
Jaw-thrust	<u> </u>	✓	✓	✓
Jaw-thrust – modified (trauma)	<u> </u>	<u> </u>	✓	✓
Medication Assisted Intubation (paralytics)				STR
Mouth-to-barrier	✓	<u> </u>	✓	✓

Arizona Administrative Register / Secretary of State Notices of Exempt Rulemaking

Mouth-to-mask		<u>✓</u>	<u>✓</u>	✓
Mouth-to-mouth	<u> </u>	<u>·</u>	<u>·</u>	<u> </u>
Mouth-to-nose				
Mouth-to-stoma	<u>√</u>	<u>√</u>	<u> </u>	<u>√</u>
	<u>√</u>	<u> </u>	<u> </u>	₹
Obstruction- direct laryngoscopy			✓	₹
Obstruction- manual	<u>✓</u>	<u> </u>	✓	₹
Oxygen therapy- humidifiers	✓	✓	✓	✓
Oxygen therapy- nasal cannula	✓	✓	<u> </u>	✓
Oxygen therapy- non-rebreather mask	✓	✓	✓	✓
Oxygen therapy- partial rebreather mask	✓	✓	✓	<u>√</u>
Oxygen therapy- simple face mask	✓	✓	✓	✓
Oxygen therapy- venturi mask	✓	✓	✓	✓
PEEP- therapeutic			✓	✓
Pulse oximetry	✓	✓	✓	✓
Suctioning- upper airway	✓	✓	✓	✓
Suctioning- tracheobronchial		<u> </u>	✓	✓
Automated transport ventilator	<u>STR</u>	<u>STR</u>	<u> </u>	✓
Cardiovascular/Circulation	EMT	AEMT	EMT-I (99)	<u>Paramedic</u>
Cardiac monitoring- multiple lead (interpretive)			✓	✓
Cardiac monitoring- single lead (interpretive)			✓	✓
Cardiac - multiple lead acquisition (non-interpretive)	STR	STR	✓	✓
Cardiopulmonary resuscitation	✓	✓	✓	✓
Cardioversion- electrical			✓	✓
Carotid massage – (≤17 years)			STR	<u>STR</u>
Defibrillation- automatic/semi-automatic	✓	✓	✓	<u>√</u>
Defibrillation- manual			✓	✓
Hemorrhage control- direct pressure	✓	✓	✓	✓
Hemorrhage control- tourniquet	✓	✓	✓	✓
Internal; cardiac pacing- monitoring only			<u> ✓</u>	<u>✓</u>
Mechanical CPR device	STR	STR	<u>STR</u>	<u>STR</u>
Transcutaneous pacing- manual			✓	✓
<u>Immobilization</u>	<u>EMT</u>	<u>AEMT</u>	EMT-I (99)	<u>Paramedic</u>
Spinal immobilization- cervical collar	✓	✓	✓	<u>√</u>
Spinal immobilization- long board	✓	✓	✓	✓
Spinal immobilization- manual	✓	✓	✓	✓
Spinal immobilization- seated patient (KED, etc.)	<u>✓</u>	✓	✓	✓
	<u>▼</u>	_		
Spinal immobilization- rapid manual extrication	<u> </u>	<u> </u>	✓	✓
			<u>✓</u>	<u>✓</u>

Arizona Administrative Register / Secretary of State Notices of Exempt Rulemaking

Splint- traction	✓	✓	<u> </u>	<u>✓</u>
Mechanical patient restraint	✓	✓	✓	<u>√</u>
Emergency moves for endangered patients	✓	✓	✓	<u>√</u>
Medication administration - routes	<u>EMT</u>	<u>AEMT</u>	EMT-I (99)	<u>Paramedic</u>
Assisting patient with his/her own prescribed medications (aerosolized/nebulized)	✓	<u>√</u>	✓	✓
Assisting patient with his/her own prescribed medications (ASA/Nitro)	✓	<u>√</u>	✓	✓
Aerosolized/nebulized (beta agonist)	<u>STR</u>	<u> </u>	✓	<u>√</u>
Buccal	<u>STR</u>	✓	✓	₹
Endotracheal tube			✓	✓
Inhaled self-administered (nitrous oxide)		✓	✓	<u>√</u>
<u>Intradermal</u>				<u>√</u>
Intramuscular		✓	✓	<u>√</u>
Intranasal		✓	✓	<u>√</u>
Intravenous push		✓	✓	<u>√</u>
Intravenous piggyback			✓	✓
Intraosseous		<u>STR</u>	✓	<u>√</u>
<u>Nasogastric</u>				<u>√</u>
<u>Oral</u>	✓	✓	<u>~</u>	<u>√</u>
Rectal		<u>STR</u>	<u>~</u>	<u>√</u>
Subcutaneous		✓	✓	✓
Sublingual		✓	✓	<u>√</u>
Auto-injector (self or peer)	✓	✓	✓	<u>√</u>
Auto-injector (patient's own prescribed medications)	✓	✓	✓	<u>√</u>
IV initiation/maintenance fluids	<u>EMT</u>	<u>AEMT</u>	EMT-I (99)	Paramedic
Access indwelling catheters and implanted central IV ports				<u>√</u>
Central line- monitoring				✓
Intraosseous- initiation		✓	✓	✓
Intravenous access		✓	✓	<u>√</u>
Intravenous initiation- peripheral	<u>STR</u>	✓	✓	<u>√</u>
Intravenous- maintenance of non-medicated IV fluids	✓	✓	✓	✓
Intravenous- maintenance of medicated IV fluids			✓	<u>√</u>
Umbilical initiation				<u>STR</u>

Miscellaneous	<u>EMT</u>	<u>AEMT</u>	EMT-I (99)	<u>Paramedic</u>
Assisted delivery (childbirth)	✓	✓	✓	<u>√</u>
Assisted complicated delivery (childbirth)	✓	✓	✓	<u>√</u>
Blood glucose monitoring	✓	✓	✓	<u>√</u>
Blood pressure- automated	✓	✓	✓	<u>√</u>
Blood pressure- manual	<u>✓</u>	<u> </u>	✓	₹

Arizona Administrative Register / Secretary of State Notices of Exempt Rulemaking

Eye irrigation	✓	<u> </u>	✓	✓
Eye irrigation (Morgan lens)				<u>STR</u>
Thrombolytic therapy- initiation				<u>STR</u>
Urinary catheterization				<u>STR</u>
Venous blood sampling			✓	✓
Blood chemistry analysis				<u>STR</u>
Inter-facility med transport list, including pump administra- tion			<u>STR</u>	<u>STR</u>